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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Hayley Holland-Honea, et al.,

10 Plaintiffs,

11 v.

12 Banner Health, et al.,

13 Defendants.  
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No. CV-18-00448-PHX-GMS

**ORDER**

15 Pending before the Court are: (1) the Motion to Dismiss for Lack of Jurisdiction of  
16 Defendant United States (Doc. 8); and (2) Plaintiffs' Motion to Stay (Doc. 10). For the  
17 reasons set forth in the motion papers of the parties the motion to dismiss by the United  
18 States is granted due to the Plaintiffs' failure to exhaust administrative remedies. The  
19 dismissal is without prejudice. While the Court appreciates the arguments set forth by  
20 the Plaintiffs and the remaining Defendants, the motion to stay is denied, and the matter  
21 is remanded to state superior court. This Court realizes that the matter may again need to  
22 be removed to this Court if the Plaintiffs do not achieve adequate relief against the United  
23 States in the administrative process. If they do, however, there is no jurisdictional basis  
24 to proceed against the remaining Defendants. Accordingly, the Court declines to stay the  
25 case, and orders that the remaining case be remanded to the state superior court.

26 **IT IS HEREBY ORDERED** that Motion to Dismiss for Lack of Jurisdiction  
27 (Doc. 1) is granted and Defendant United States is dismissed without prejudice.

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Dated this 31st day of May, 2018.

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